



***Substitute House Bill No. 5598***

***Public Act No. 13-263***

***AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND THE DISPOSITION OF SURPLUS STATE PROPERTY, SHORT TERM EMERGENCY LEASES, THE DEFINITION OF EXECUTIVE SESSION AND DUPLICATIVE STATEMENTS OF FINANCIAL INTEREST.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 4b-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) When the General Assembly is not in session, the trustees of any state institution, the State Board of Education or the Commissioner of Correction may, subject to the provisions of section 4b-23, purchase or acquire for the state, through the Commissioner of Administrative Services, any land or interest therein if such action seems advisable to protect the state's interest or to effect a needed economy, and may, subject to the provisions of said section, contract through the Commissioner of Administrative Services for the sale or exchange of any land or interest therein belonging to the state except that The University of Connecticut may purchase or acquire for the state and may dispose of or exchange any land or interest therein directly. When the General Assembly is not in session, the Commissioner of Administrative Services, with the approval of the State Properties Review Board, may give or obtain an option upon any land or interest

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therein which is not under the control of the trustees of any state institution, the State Board of Education or the Commissioner of Correction when such action seems advisable, and such option shall remain in force until the fifteenth day of August following the next session of the General Assembly.

(b) Any state agency, department or institution having custody and control of land, an improvement to land or interest in land, belonging to the state, shall inform the Secretary of the Office of Policy and Management and the municipality where the land is located, in writing, not less than six months before the date when the agency, department or institution anticipates such land, improvement or interest or any part thereof is not needed by the agency, department or institution. Upon receipt of such notification, the secretary, [shall arrange for such agency, department or institution to forthwith transfer custody and control of such land, improvement or interest to] at his or her discretion, shall determine whether the agency, department or institution shall retain custody and control of such land improvement or interest, or whether such responsibility shall be transferred to the Department of Administrative Services, along with [adequate funding for] any available funds specifically related to the personnel and other operating expenses required for the maintenance of such land, improvement or interest, and shall notify all state agencies, departments and institutions that such land, improvement or interest is available. [Within ninety]

(c) Not later than thirty days [of] after receipt of such notification from the secretary, [any] the following agencies shall determine and notify the secretary in writing if the land, improvement or interest serves the following needs: (1) The Commissioner of Economic and Community Development, whether it can be used or adapted for economic development or exchanged for property that can be used for economic development, used as an emergency shelter or transitional

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living facility for homeless persons, or used for the construction, rehabilitation or renovation of housing for persons and families of low and moderate income; (2) the Commissioner of Transportation, whether it can be used for transportation purposes; (3) the Commissioner of Energy and Environmental Protection, whether it can be used for open space purposes or to otherwise support the department's mission; (4) the Commissioner of Agriculture, whether it can be used for farming or agricultural purposes; (5) the Commissioner of Veterans' Affairs, whether it can be used for veterans' housing; (6) the Commissioner of Children and Families, whether it can be used to support the department's mission; (7) the Commissioner of Developmental Services, whether it can be used to support the department's mission; and (8) the Commissioner of Administrative Services, whether it can be used to house state agencies or can be leased. Not later than thirty days after receipt of such notification from the secretary, any state agency, department or institution that is interested in utilizing the land, improvement or interest shall submit a plan to the secretary that sets forth the proposed use for the land, improvement or interest and a budget and timetable for such use. [If the Commissioner of Economic and Community Development determines that such land, improvement or interest can be utilized or adapted for use as an emergency shelter or transitional living facility for homeless persons or can be utilized or exchanged for property which can be utilized for the construction, rehabilitation or renovation of housing for persons and families of low and moderate income, said commissioner may (1) within such ninety-day period, submit to the secretary, in lieu of such plan, a preliminary plan indicating that the land, improvement or interest can be utilized, adapted or exchanged for such housing purposes and stating the type of housing that is planned and (2) within six months after the end of such ninety-day period, submit a comprehensive plan for the development of such housing to the secretary, in a form prescribed by the secretary. If the Commissioner of Economic and Community Development submits

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preliminary and comprehensive plans to the secretary within such periods, the agency, department or institution having custody and control of the land, improvement or interest shall transfer custody and control to the Commissioner of Economic and Community Development in accordance with such procedures as the secretary may prescribe. If (A) the Commissioner of Economic and Community Development does not submit a preliminary plan to the secretary within such ninety-day period or so submits a preliminary plan but does not submit a comprehensive plan to the secretary within such six-month period, and (B)] If one or more agencies, departments or institutions submit a plan for such land, improvement or interest to the secretary within such [ninety-day] ~~thirty-day~~ period, the secretary shall analyze such agency, department or institution plan or plans and determine whether [(i)] custody and control of the land, improvement or interest shall be transferred to one of such agencies, departments or institutions, in which case the agency, department or institution having custody of the land, improvement or interest shall make such transfer. [, or (ii) the land, improvement or interest shall be treated as surplus.]

[(c)] (d) If the secretary determines that such land, improvement or interest or part thereof was purchased or improved with proceeds of tax exempt obligations issued or to be issued by the state, the secretary shall notify the Treasurer. If the secretary determines that such land, improvement, interest or part thereof may properly be treated as surplus, [he] the secretary shall, upon the request of the municipality where the land, improvement or interest is located, hold an informational public meeting in such municipality to inform the public about the process for the disposition of surplus property, to provide a description of the land, improvement or interest at issue, to inform the public of its right to submit written comments under section 4b-47, as amended by this act, and to allow members of the public the opportunity to comment at the meeting. After holding such meeting,

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the secretary shall notify the Commissioner of Administrative Services [. If the secretary also determines that such land, improvement or interest or part thereof was purchased or improved with proceeds of tax exempt obligations issued or to be issued by the state, he shall also notify the Treasurer. The] of the secretary's determination regarding whether such land, improvement or interest may be treated as surplus.

(e) After receiving notification from the secretary that such land, improvement or interest may be treated as surplus, the Commissioner of Administrative Services shall offer to convey such land, improvement or interest to the municipality in which the land, improvement or interest is located, including, but not limited to, by selling, leasing, exchanging or entering into agreements concerning such land, improvement or interest, provided (1) prior to such conveyance, the municipality by vote of its legislative body accepts such conveyance, and (2) a resolution of such municipal action, verified by the clerk of the municipality, is delivered to the Commissioner of Administrative Services not more than one hundred twenty days after receiving notice from the commissioner regarding the proposed conveyance. If the municipality fails to deliver such resolution to the commissioner within such one-hundred-twenty-day period, the municipality shall be deemed to have declined the proposed conveyance, provided the commissioner may extend the one-hundred-twenty-day period deadline by not more than an additional sixty days. The municipality shall waive all rights to purchase the land, improvement, interest or part thereof if the municipality declines or is deemed to have declined the conveyance of such land, improvement, interest or part thereof.

(f) If the municipality declines or is deemed to have declined the conveyance of the property, the Commissioner of Administrative Services may sell, exchange or lease, or enter into agreements concerning, such land, improvement, interest or part thereof, after (1)

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notifying (A) the municipality or municipalities in which such land, improvement or interest is located, (B) the members of the General Assembly representing such municipality or municipalities, (C) the regional planning organization, as defined in section 4-124i, of the region where the land, improvement or interest is located, (D) the Connecticut Economic Resource Center, and ~~[(C)]~~ (E) any potential developer of an incentive housing development, as defined in section 8-13m, who has registered with the Commissioner of Economic and Community Development to be notified of any such state surplus land, and (2) obtaining the approval of (A) the Secretary of the Office of Policy and Management, (B) the State Properties Review Board, and (C) the joint standing committees of the General Assembly having cognizance of matters relating to (i) state revenue, and (ii) the purchase and sale of state property and facilities, and (3) if such land, improvement, interest or part thereof was purchased or improved with proceeds of tax-exempt obligations issued or to be issued by the state, obtaining the approval of the Treasurer. The Treasurer may disapprove such a transaction only if the transaction would affect the tax-exempt status of such obligations and could not be modified to maintain such tax-exempt status. If a proposed agreement for such a conveyance has not been submitted to the State Properties Review Board within ~~[three years]~~ one year after the Commissioner of Administrative Services provides such notice to such municipality and such members of the General Assembly, or if the board does not approve the proposed agreement within ~~[five]~~ two years after such notice, the Commissioner of Administrative Services may not convey such land, improvement or interest without again so notifying such municipality and such members of the General Assembly.

(g) In the case of a proposed lease of land, an improvement to land or an interest in land, or any part thereof, with a person, firm or corporation in the private sector, for a term of six months or more, the Commissioner of Administrative Services shall comply with such

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notice requirement by notifying in writing the chief executive officer of the municipality in which the land, improvement or interest is located and the members of the General Assembly representing such municipality, not less than two weeks before seeking the approval of said secretary, board and committees, concerning the proposed lease and the manner in which the lessee proposes to use the land, improvement or interest. [Each agency, department or institution which informs the secretary that any land, improvement or interest in land is not needed shall retain responsibility for its security and maintenance until the Commissioner of Administrative Services receives custody and control of the property, if any.]

(h) The Treasurer shall execute and deliver any deed or instrument necessary to convey the title to any property the sale or exchange of which or a contract for the sale or exchange of which is authorized by this section.

[(d)] (i) Upon approval of the proposed action of the Commissioner of Administrative Services by said secretary and board, said commissioner shall request approval of such action by the joint standing committees of the General Assembly having cognizance of matters relating to state revenue and the purchase and sale of state property and facilities. Each committee shall have not more than thirty days from the date such request is received to convene a meeting to vote to approve or disapprove such action or to notify the Commissioner of Administrative Services, in writing, that it is waiving its right to convene a meeting. If such request is withdrawn, altered, amended or otherwise changed, said commissioner shall resubmit such request, and each committee shall have not more than thirty days from the date of such resubmittal to convene a meeting to vote to approve or disapprove such action or to notify the Commissioner of Administrative Services, in writing, that it is waiving its right to convene a meeting. If a committee does not act on a request or the

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resubmittal of a request, as the case may be, within [that time] such thirty-day period, the request shall be deemed to be approved by the committee.

[(e) No] (j) Except as provided in subsection (e) of this section, no provision of this section shall be construed to limit, supersede or repeal any other provision of law relating to the powers or duties of any state agency.

[(f)] (k) The requirements of subsections (b) to [(d)] (i), inclusive, of this section shall not apply to land which the Commissioner of Energy and Environmental Protection has acquired pursuant to 42 USC 9601 et seq., the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA).

Sec. 2. Section 3-14b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Prior to the sale of any parcel of land, or a portion thereof owned by the state, except a transfer or conveyance to the party against whom foreclosure was taken or who conveyed to the state in lieu of foreclosure under the provisions of section 17b-138, or as provided in subsection (g) of this section, the state agency, department or institution responsible for the sale of such land shall first notify, in writing, the chief executive officer or officers of the municipality in which such land is situated and the affected state representative and state senator for such municipality of the state's intention to sell such land, and no agreement to sell such land may be entered into or sale may be made by the state except as follows:

(a) Not later than forty-five days after such notice has been so given, such chief executive officer or officers may give written notice to the state of the municipality's desire to purchase such land and shall have the right to purchase the interest in the land which the state has



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declared its intent to sell, subject to conditions of sale acceptable to the state.

(b) If the chief executive officer or officers of the municipality fail to give notice, as provided in subsection (a) of this section, or give notice to the state of the municipality's desire not to purchase such land, such municipality shall have waived its right to purchase the land in accordance with the terms of this section.

(c) Not later than sixty days after notice has been given by the municipality of its desire to purchase such land, as provided in subsection (a) of this section, the state acting through the state agency, department or institution shall sell such land to the municipality, provided the state and the municipality agree upon the conditions of sale and the amount to be paid therefor.

(d) If the municipality fails to purchase such land not later than sixty days after notice has been given by the municipality of its desire to purchase the land, as provided in subsection (a) of this section, such municipality shall have waived rights to purchase the land in accordance with the terms of this section, subject to the provisions of subsection (e) of this section.

(e) Notwithstanding the provisions of subsections (b) and (d) of this section, if the state thereafter proposes to sell such land to any person upon terms different from those offered to the municipality, the state shall first notify the municipality of such proposal, in the manner provided in subsection (a) of this section, and of the terms of such proposed sale, and such municipality shall have the option to purchase such land upon such terms and may thereupon, in the same manner and within the same time limitations as are provided in subsections (a) and (c) of this section, proceed to purchase such land.

(f) Notwithstanding the provisions of subsection (d) of this section,

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the towns of Preston and Norwich shall retain any right provided for by this section with regard to the property known as the Norwich State Hospital property, provided the Commissioner of Administrative Services determines that such towns continue to make good faith efforts to purchase such property and have otherwise complied with the provisions of this section.

(g) The provisions of this section shall not apply to the sale or transfer of land, an interest in land or an improvement to land under the provisions of section 4b-21, as amended by this act.

Sec. 3. Subsection (c) of section 4b-47 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) Nothing in this section shall be construed to:

(1) Limit the applicability of sections 22a-1a to 22a-1i, inclusive, with respect to the sale or transfer of state land or any interest in state land, except that if an environmental impact evaluation was prepared pursuant to sections 22a-1b and 22a-1c or an environmental statement was prepared for such state land or interest in state land pursuant to any other state or federal law or regulation, as specified in section 22a-1f, such state agency, department or institution shall be exempt from the notice and public comment requirements set forth in subsections (a) and (b) of this section;

(2) Affect any purchase and sale agreement entered into between the state and any second party that was in effect prior to October 1, 2007, or any subsequent sale, transfer, easement, lease or other such agreement made pursuant to any such purchase and sale agreement;

(3) Apply to the conveyance of any parcel of state land or any interest in state land pursuant to an act of the General Assembly;

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(4) Apply to the sale or transfer of state lands between state agencies;

(5) Apply to any easement that is granted to a municipality or a regulated utility or utilities that (A) primarily benefits the state or an agency or institution of the state, (B) is ordered as the result of a state or federal regulatory process or proceeding, or (C) is necessary as a result of the construction or reconstruction of any Department of Transportation highway or facility;

(6) Apply to the sale or transfer of state land or an interest in state land that was designated as surplus, pursuant to subsections (b) [and (c)] to (h), inclusive, of section 4b-21, as amended by this act, prior to October 1, 2007, provided the provisions of this section were complied with at the time of such designation;

(7) Apply to the transfer of ten acres or less by the Department of Transportation or the Department of Education;

(8) Limit state agency or public comments to a particular subject matter area;

(9) Limit the publication of any public notifications, comments or reports that are required under this section solely to the Environmental Monitor; or

(10) Limit the solicitation of public comment solely to the Environmental Monitor.

Sec. 4. Subsection (a) of section 8-37y of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Economic and Community Development may, with the approval of the Commissioner of Administrative

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Services, the Secretary of the Office of Policy and Management and the State Properties Review Board, sell, exchange, lease or enter into agreements concerning any real property, as defined in section 8-39, belonging to the state and transferred to the custody and control of the Department of Economic and Community Development under the provisions of [subsection] subsections (b) and (c) of section 4b-21, as amended by this act. The commissioner shall require, as a condition of any sale, exchange, lease or agreement entered into pursuant to this section, that such real property be used only for an emergency shelter or transitional living facility for homeless persons or for the provision of low and moderate income housing, including, but not limited to, the construction, rehabilitation or renovation of housing for persons and families of low and moderate income, except that such condition, in the discretion of the commissioner, may be subordinated in the case of a subsequent first mortgage or a requirement of a governmental program relating to such real property, and except that in the case of an exchange of real property, the commissioner (1) shall require that the parcel received by the commissioner, as a condition of such exchange, shall be suitable for an emergency shelter or transitional living facility for homeless persons or for the construction, rehabilitation or renovation of housing for persons and families of low and moderate income, and (2) shall release any restrictions required to be imposed by this subsection on the parcel transferred by the commissioner. Prior to any such sale, exchange, lease or agreement, the commissioner shall notify the chief executive officer or officers of the municipality or municipalities in which such real property is located. No such real property may be sold, exchanged or leased by the commissioner under this subsection without the approval of the municipality or municipalities in which the real property is located.

Sec. 5. Section 17a-27b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

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Notwithstanding any provision of the general statutes or regulations adopted thereunder or any public or special act, the Connecticut Juvenile Training School project, as defined in subsection (k) of section 4b-55, shall be exempt from the provisions of subsections (b) [ (c) and (d)] to (i), inclusive, of section 4b-21, as amended by this act, sections 4b-23, 4b-28, 14-311, 16a-31, 16a-38, 22-6, 22a-6, 22a-12, 22a-14 to 22a-20, inclusive, 22a-39, 25-32 and 29-406 and chapter 54.

Sec. 6. (NEW) (*Effective from passage*) Notwithstanding the provisions of sections 4b-3 and 4b-23 of the general statutes, the Commissioner of Administrative Services may enter into a lease having a term of not more than twelve months without obtaining the approval of the Office of Policy and Management and the State Properties Review Board, provided the Governor declares (1) an emergency exists because a state facility has been damaged, destroyed or otherwise rendered unusable due to any cause, (2) such emergency would adversely affect public safety or the proper conduct of essential state government operations, and (3) the state has an immediate need to acquire alternative space.

Sec. 7. Subdivision (6) of section 1-200 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(6) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting

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public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would [cause a likelihood of increased price] adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

Sec. 8. Section 4b-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No nonclerical employee in the unit in the Department of Administrative Services that is responsible for acquiring, leasing and selling real property on behalf of the state shall be directly involved in any enterprise that does business with the state or be directly or indirectly involved in any enterprise concerned with real estate acquisition or development. Each member of the State Properties Review Board [shall file, with the State Properties Review Board and with the Office of State Ethics,] and each such employee of the Department of Administrative Services shall file, [with the Department of Administrative Services and] with the Office of State Ethics, a statement of financial interests pursuant to the provisions of section 1-83.

(b) The provisions of sections 1-82, 1-82a and 1-88 shall apply to any alleged violation of this section.

Sec. 9. Section 18-31b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Whenever any community correctional center and the land used

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in connection therewith is no longer needed as a place for penal or correctional purposes, the Community Correctional Center Administrator shall certify to the State Treasurer, the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management, [within] not later than six months thereafter, that such facility and land are not required for penal or correctional purposes. If at any time thereafter the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management and the State Treasurer jointly certify that such property or any portion thereof is surplus and not needed for any other purpose of the state, the [Treasurer] Commissioner of Administrative Services shall forthwith and gratuitously transfer such property to (1) the municipality in which the facility and land are situated, provided the municipality by vote of its legislative body shall first accept such property and a resolution of such action verified by the clerk of the municipality shall be delivered to the [Treasurer] Commissioner of Administrative Services, or (2) the redevelopment agency of the municipality if the land is situated or included in a redevelopment area of the municipality, upon request to the [Treasurer] Commissioner of Administrative Services by such agency, without restriction as to municipal use; if the transfer has been made, the municipal use restriction shall be removed by appropriate release from the [Treasurer] Commissioner of Administrative Services. If such property is not transferred to such municipality or the redevelopment agency thereof, such property shall be [auctioned] sold according to regular procedure, [by the state to the highest bidder.] No separate residential dwelling unit or the land on which it is situated owned by the state and used or formerly used by community correctional center administration personnel of any abandoned community correctional center shall be included in the conveyance of community correctional center facilities to the municipality, but such residential property may be sold by the state [to the highest bidder] after certification to the [Treasurer] Commissioner of Administrative Services by the

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Community Correctional Center Administrator that the property is no longer needed for housing of community correctional center administration personnel.

(b) If such land or any interest therein is transferred by the municipality or by the redevelopment agency of such municipality, one-half of the transfer price shall be remitted to the state.

Approved July 11, 2013